

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

**COLUMBIA MUTUAL)
INSURANCE COMPANY,)
vs.)
Plaintiff,)
vs.) **No. 1:15-CV-0111-P-BL**
CEDAR ROCK LODGE, LLC,)
Defendant.)**

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On February 3, 2016, the assigned Magistrate Judge issued a Report and Recommendation (“R&R”) (doc. 29) in which he recommends that the Court (1) find Plaintiff’s first motion to dismiss (doc. 10) moot and (2) grant in part and deny in part Plaintiff’s second motion to dismiss (doc 20). No one has filed any objection to the R&R. After reviewing the R&R for plain error, the undersigned is of the opinion that the findings and conclusions of the Magistrate Judge are correct and they are accepted as the findings and conclusions of the Court. Accordingly, the Court **ACCEPTS** the Report and Recommendation (doc. 29); **FINDS MOOT** Plaintiff’s Motion to Dismiss (doc. 10); **GRANTS** in part and **DENIES** in part Plaintiff’s Motion to Dismiss (doc. 20); and **DISMISSES WITH PREJUDICE** Defendant’s counterclaims under the Texas Insurance Code and Texas Deceptive Trade Practices Act. As stated in the R&R, Defendant’s other counterclaims survive the motion to dismiss. Pursuant to Electronic Standing Order of Reference (D.E. 4), this action remains referred to the Magistrate Judge for case management.

SIGNED this 17th day of March, 2016.


JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE